

### **Remark**

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended. Claims 1-38 have been cancelled. Claims 39-76 have been added. Therefore, claims 39-76 are now presented for examination.

### **35 U.S.C. §103 Rejections**

#### ***White in view of Amir et al.***

The Examiner had previously rejected claims 1-3, 7, 9-12, 33, 35, 36 and 38 under 35 U.S.C. §103 (a) as being unpatentable over White et al., U.S. Patent No. 4,602,365 (“White”), in view of Amir et al., (‘Fast Message Ordering Using a Logical Token-Passing Ring’, 1993), (“Amir”).

The rejected claims have been cancelled. Claim 39 recites “notifying a replica node of each message sent by the primary node among the group of nodes to synchronize sent messages between the primary node and the replica node.” White does not disclose or suggest such a feature. White at Column 1, lines 60-64 discloses a method for “simultaneously operating a plurality of independent token passing data channels on a ring.” However, operating a plurality of independent token passing data channels on a ring is not “notifying a replica node of each message sent by the primary node among the group of nodes to synchronize sent messages between the primary node and the replica node”, as recited by claim 1.

Amir at page 3, section 4 discloses “[a] sequence number (all-received-up-to) such that all processors on [a] ring have received all messages up to . . . the message with the [current] sequence number.” Nonetheless, Amir fails to disclose or suggest

“notifying a replica node of each message sent by the primary node among the group of nodes to synchronize sent messages between the primary node and the replica node”, as recited by claim 1.

For at least the reason stated above, Claim 39 is believed to be allowable over the references. Claims 45, 52, 55, 58, 61, 64 and 71 contain one or more of the limitations discussed above, among others, and are therefore believed to be allowable. The remaining claims are dependent upon one of the above claims and are believed to be allowable therefore as well as for the express limitations set forth in each claim, respectively.

***White in view of Ferguson, Sakamura, and Minyard***

The Examiner has rejected the remaining claims under 35 U.S.C. §103 (a) as being unpatentable over various combinations of White, Ferguson, U.S. Patent No. 5,802,056 (“Ferguson”), Sakamura, U.S. Patent No. 5,274,637 (“Sakamura”) and Minyard, U.S. Patent No. 6,553,508 (“Minyard”).

Neither Ferguson, Sakamura nor Minyard were cited for and do not show the features absent from White and Amir as discussed above. Accordingly, these rejections are respectfully traversed.

**Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 17, 2006



---

Gordon R. Lindeen III

Reg. No. 33,192

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980